

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 4, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Inzunza at 10:02 a.m. Deputy Mayor Inzunza recessed the meeting at 10:43 a.m. to reconvene at 2:00 p.m. and announced that they will meet in Closed Session immediately following the conclusion of the meeting.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. with all Council Members present. The meeting was recessed at 4:01 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:11 p.m. with all Council Members present. The meeting was recessed at 5:33 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:41 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:17 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss anticipated and existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (mc/gs)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-not present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Ron Boshun regarding the City's lack of funds, the Chargers' contract and the public being able to see the Chargers' books.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:04 a.m.)

PUBLIC COMMENT-2: **REFERRED TO CITY MANAGER**

Comment by former City employee, Shelley Ardrey, requesting help from the City Council after his request for disability retirement was denied by the Retirement Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:10 a.m.)

PUBLIC COMMENT-3:

Comment by Jim Bell regarding the wildfire tragedy and offered Council suggestions to avoid such tragedies in the future.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:12 a.m.)

PUBLIC COMMENT-4: REFERRED TO CITY MANAGER

Comment by Buzz Gibbs requesting Council's assistance in getting a jogging path built around the perimeter of Montgomery Field.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:15 a.m.)

PUBLIC COMMENT-5:

Comment by Jim Varnadore regarding Council's leadership, money, the wildfire tragedy and the San Diego Chargers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

PUBLIC COMMENT-6: REFERRED TO CITY MANAGER

Comment by Marvin Carpenter regarding his concerns pertaining to requirements that the City has imposed on his parcel, the issues surrounding it, and the current City Planning process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:24 a.m.)

PUBLIC COMMENT-7:

Comment by Ian Trowbridge regarding the Ethics Commission and the complaints they received that were dismissed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:27 a.m.)

PUBLIC COMMENT-8:

Comment by Antoine Georges regarding his property losses during the wildfire in Poway and the Scripps Ranch areas and urged Council to adopt a resolution allowing for the clearance of 300 feet from any structure, which will automatically take care of any resident within the urban area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:30 a.m.)

PUBLIC COMMENT-9:

Comment by Phil Thalheimer regarding feedback from a survey that he conducted in District one asking the residents' opinion on traffic, special interest, access to the City, neighborhood services and City Council closed door meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:31 a.m.)

PUBLIC COMMENT-10:

Comment by Noel Neudeck regarding Wildfire 2003 and fire brush protection.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:35 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Frye recognizing her Chief of Staff, Michael Simonsen, for receiving his five-year pin with the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

COUNCIL COMMENT-2:

Comment by Council Member Atkins announcing that this Saturday, November 8, from 8:30 a.m. to 12:00 noon, they will have special sessions on “How to start a Neighborhood Watch” and “How to re-invigorate your Neighborhood Watch.”

Ms. Atkins also announced that the City of San Diego received \$20 million for the Downtown Central Library.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:42 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Comment by City Attorney Casey Gwinn stating that they have been providing a great deal of input and advice to members of the public about issues relating to rebuilding and has also been working very closely with the District Attorney’s office on the issue of scam artists and what happens when tragedies like these fires occur. He informed everyone that they have prepared a series of bulletin items to alert the public, which can be found on the City Attorney Website www.sandiegocityattorney.org.

Mr. Gwinn also stated that Council Member Atkins and Chairman of the Board of Supervisors, Greg Cox, helped him host the annual San Diego Justice Center dinner and that between donations, grants and pledges, they have received gifts of \$3.2 million for the Family Justice Center and a \$1.5 million gift from the Serenity Fund for Camp Hope.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:39 a.m.;
10:42 a.m. – 10:43 a.m.)

ITEM-330: California Coastal Commission Suggested Modifications to La Jolla Community Plan and Local Coastal Program Land Use Plan.

Matter of approving or denying the California Coastal Commission Suggested Modifications to the June 2002 La Jolla Community Plan and Local Coastal Program Land Use Plan.

If approved by the City Council, this item must return to the California Coastal Commission for final certification.

(See City Manager Report CMR-03-212. La Jolla Community Plan Area. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-449) ADOPTED AS AMENDED AS RESOLUTION R-298578

Adoption of a Resolution declaring that:

1. The reference to Map C-720 is not intended to designate properties as open space beyond those shown on Figure 7 in the 2002 La Jolla Community Plan and Local Coastal Program Land Use Plan.
2. Disturbed or manufactured slopes in areas designated as open space may be considered natural if the disturbance was unauthorized.

3. View preservation from the first public roadway is limited to views across any yard where the yard results from a zone-required setback and does not apply to any undeveloped portion of a lot that is between a structure and the required setback line where the structure is not built to the setback line.
4. Appendix L is intended to provide guidelines for determining the allowable development area and limiting encroachment into sensitive areas for properties designated open space.
5. The guidelines set forth in Appendix L include allowing for development in excess of the twenty-five percent development area where development could occur in the non-sensitive or disturbed portions of the site that are both inside and outside of the open space designation.
6. The 50% limitation (based on the floor area of the structure) on increases to previously conforming structures is applicable only to structures that are previously conforming with regard to bluff edge setback regulations.
7. Increasing the height of a structure, up to the height allowed in the zone, is not prohibited within a visual access/public vantage point area.
8. That this City Council approves the California Coastal Commission sixty-three suggested modifications to the Council-adopted June 2002 comprehensive update of the La Jolla Community Plan.
9. That the Council hereby repeals the 1967 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise plan, the 1983 La Jolla – La Jolla Shores Local Coastal Program, and the 1980 Fay Avenue Plan.
10. That the Council adopts associated amendments to City of San Diego Progress Guide and General Plan and the Local Coastal Program to incorporate the updated La Jolla Community Plan.

That the updated La Jolla Community Plan and Local Coastal Program Land Use Plan are not effective until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment.

OTHER RECOMMENDATIONS:

The La Jolla Community Planning Association on April 3, 2003, voted 9-4-2 to direct that the President of the Community Planning Association write a letter to the Mayor and City Council to deny the amendments (suggested by the Coastal Commission) in order to permit the public to have input.

CITY MANAGER SUPPORTING INFORMATION:

Background

The La Jolla Community Plan and Local Coastal Program Land Use Plan is the City of San Diego's adopted statement of policy for growth and development of the La Jolla community planning area for the foreseeable future. The plan proposes specific goals, policies and strategies regarding the future preservation, use and development of land within La Jolla and identifies how the use and development of that land will affect current levels of public services and facilities.

The community plan for La Jolla currently in use is a combination of the 1976 community plan, along with the 1983 LCP (for areas within the coastal zone), the 1995 community plan (for areas outside the coastal zone) and the 1976 La Jolla Shores Precise Plan for the La Jolla Shores portion of the La Jolla community. The draft community plan update represents a consolidation of the 1976 and 1995 La Jolla Community Plans, the La Jolla Shores Precise Plan, the La Jolla/La Jolla Shores Local Coastal Program and the Fay Avenue Plan.

While an update to the La Jolla Community Plan has been in the works for several years, most recently, beginning in January 2000, City Staff worked with the La Jolla Community Planning Association, the La Jolla Town Council, representatives of other community groups, individual members of the community and staff of the CCC on a comprehensive update to the plan. This led to workshops and hearings with the Planning Commission. The City's process culminated with two City Council hearings and approval of the June 2002 draft La Jolla Community Plan on June 4, 2002.

In order for the La Jolla Community Plan to be in effect, the plan must be certified by the CCC. On February 5, 2003, the CCC voted unanimously to conditionally certify the plan with 63 Suggested Modifications. Final and unconditional certification is subject to the City Council accepting all of the suggested modifications. Should the City Council not accept all of the modifications, the updated La Jolla Community Plan will not be certified and the current documents will continue to stay in effect. If this should occur, the entire update process would have to be repeated for an updated community plan to be approved. The City Council does not have the ability to accept only a portion of the modifications.

In their February action, the CCC would not consider the associated rezones that were proposed by City staff and approved by City Council. The CCC's practice is to certify the policy document first and, at a subsequent hearing, consider any implementation actions.

FISCAL IMPACT:

None with this action. The previously approved April 2002 Public Facilities Financing Plan identifies total project cost for public facilities of \$98,641,898 to be used as the base for calculation of development fees.

Ewell/Goldberg/RM/MT

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: LAND – La Jolla Community Plan Area, California
Coastal Commission Suggested Modifications to La Jolla
Community Plan & Local Coastal Program Land Use Plan
(10)

COUNCIL ACTION: (Time duration: 2:09 p.m. – 6:11 p.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENTS: 1) ON PAGE 3, DECLARATION 1, AFTER THE WORDS “REFERENCE TO MAP C-720” ADD THE WORDS “DOES NOT AND”; 2) ON PAGE 3, DECLARATION 3, MODIFY THE PARAGRAPH TO READ “THE TERM YARD, AS IT RELATES TO VIEW PRESERVATION, IS INTENDED TO PERTAIN ONLY TO THOSE YARDS RESULTING FROM THE ZONE REQUIRED SETBACK AND DOES NOT INCLUDE ANY UNDEVELOPED AREA OF A SITE BETWEEN A STRUCTURE AND THE REQUIRED SETBACK LINE WHERE THE STRUCTURE IS NOT BUILT TO THE SETBACK LINE.”; 3) ON PAGE 3, DECLARATION 4, CHANGE THE WORDS “IS INTENDED TO” TO “PROVIDES”; 4) ON PAGE 4, ADD A SECTION 11 TO READ “THE CITY COUNCIL’S ADOPTION OF THE CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS ARE EXPRESSLY CONTINGENT UPON THE PROVISIONS OF THE CITY’S DRAFT RESOLUTION”; 5) ON PAGE 4, ADD TO THE LAST PARAGRAPH THE WORDS “AND SHOULD NOT BE APPLICABLE TO APPLICATIONS FOR DEVELOPMENT PERMITS DEEMED COMPLETE BY THE CITY OF SAN DIEGO AS DEFINED AND SET FORTH IN THE SAN DIEGO MUNICIPAL CODE.” Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-not present, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-yea.

Testimony in favor by Pat Kruer, Sherri Lightner, Joanne Pearson, Marco Gonzalez, Allison Rolfe, Patrick Ahern, Eric Bowlby, Mel Hinton, David Little, Mignon Scherer, Linda Smith, David Valentine, and Al Strohlein.

None.

The meeting was adjourned by Mayor Murphy at 6:17 p.m. in honor of the memory of:

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:11 p.m. – 6:17 p.m.)